

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 02/01/2001	NUMBER 06.03.104
SUBJECT TECHNICAL RULE VIOLATION PROGRAM		SUPERSEDES 06.03.104 (01/27/98)	
		AUTHORITY MCL 791.231; 791.265a; Administrative Rule 791.4401; 791.4425	
		ACA STANDARDS 3-3168	
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POLICY STATEMENT:

The Technical Rule Violation (TRV) Program shall provide an alternative placement for eligible parolees charged with technical rule violations who would otherwise be returned to a Correctional Facilities Administration (CFA) institution for parole revocation proceedings, and for eligible prisoners in Community Residential Programs (CRP) who would otherwise be reclassified to a CFA institution.

POLICY:

GENERAL INFORMATION

- A. The TRV Program shall provide up to 90 days of intensive 24-hour per day supervision to attempt to refocus an offender's attitudes and goals toward a successful completion of community supervision. Program emphasis shall be on personal responsibility and development of life coping skills, which may include work assignments, educational programming and substance abuse counseling.
- B. The TRV Program shall be offered at TRV centers and at corrections centers identified by the Deputy Director of Field Operations Administration (FOA). Only prisoners shall be placed in a TRV Program offered at a corrections center. Only parolees and male prisoners shall be placed in a TRV Program offered at a TRV center. TRV centers and corrections centers at which the TRV Program is offered shall service geographical areas designated by the FOA Deputy Director.
- C. The TRV Program shall include Program and facility orientation, individual needs assessment, in-house work assignments and participation in available treatment programs. It also shall include, as available, approved public works assignments. Offenders shall be placed on public works assignments only if they meet the placement criteria set forth in PD 03.02.121 "Public Works/Gate Pass Assignments".
- D. A placement plan, including referral to appropriate agencies for continuation of needed services, shall be completed for offenders who will be returning directly to electronic monitoring placement after completion of the Program. The plan shall be forwarded to local field staff for investigation and approval no later than 30 calendar days prior to the offender's anticipated completion of the Program.
- E. TRV Program staff shall maintain chronological case notes documenting each offender's progress and adjustment. Offender privileges shall be established by the TRV Program Manager/Supervisor and are contingent upon the offender's adjustment.
- F. Offenders are not required to pay the per diem reimbursement rate established pursuant to PD 06.02.105 "Offender Reimbursement for Community Resident Programs (CRP) and Electronic Monitoring Systems (EMS)" while in the TRV Program.

ELIGIBILITY AND REFERRAL - PAROLEES

- G. Parolees for whom any of the following factors apply are not eligible for participation in the TRV Program:
 1. Screen as a very high assault risk pursuant to PD 05.01.135 "Statistical Risk Screening".

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2. Serving for, or having a prior conviction for, a sex offense identified in Attachment A.
 3. Have a pending felony charge, or felony or immigration detainer.
 4. Have a physical or mental condition not consistent with the rigorous demands of the Program offered at a TRV center, as determined from the Offender Health Questionnaire (CFJ-129).
 5. Are within 90 calendar days of the special good time (SGT) maximum, potential maximum (PMX) or "Truth in Sentencing" (TIS) maximum release date, as applicable.
 6. Are serving a life sentence.
 7. Are being supervised in Michigan under the Interstate Compact.
- H. Only eligible parolees who agree in writing on the TRV Center - Program Description form (CFJ-147 - Front) and on the TRV Program - Parolee Rights and Agreement form (CFJ-147 - Back) to fully participate in the TRV Program under the following conditions shall be considered for acceptance into the Program:
1. To waive the time limits by which parole revocation proceedings must be conducted for the period of time in the TRV Program. Successful completion of the Program shall result in dismissal of the pending parole violation charges.
 2. To follow all rules of the TRV Program.
 3. To waive the following privileges:
 - a. Access to general and law library services.
 - b. Visits, except with clergy and attorneys on official business and with staff from the Office of the Legislative Corrections Ombudsman.
 - c. Personal property except for personal hygiene items available through the TRV center, one wedding band/ring, three photographs of family members (Polaroid-type photographs and photographs showing nudity or which are pornographic are not allowed), and personal and legal correspondence.
 - d. Mailing or receiving any packages with the exception of receiving, with prior approval of staff, one package of dress-out clothing within the two weeks prior to completion of the TRV Program.
 - e. Telephone privileges, except for communicating with an attorney upon request of the attorney and for communicating with the Office of the Legislative Corrections Ombudsman upon request of that Office. However, one ten-minute collect personal call shall be permitted within the first 24 to 48 hours after arrival at the facility and one ten-minute collect personal call per week after five weeks in the Program shall be permitted. Telephone calls for emergencies also shall be allowed, as determined necessary by the TRV center Manager/Supervisor or designee.
 - f. Use of tobacco products.
 - g. Wages for work assignments within the TRV center.
- I. Field agents and supervisors shall process alleged parole violations in accordance with applicable policies and procedures. Parolees being referred to the Area Manager for return to a CFA institution shall be screened for eligibility for the TRV Program using the TRV Eligibility Screening form (CFJ-231)

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and the Offender Health Questionnaire form (CFJ-129). The field agent shall indicate on the Parole Violation Worksheet and Decision form (CFJ-226) whether the parolee is eligible for participation in the TRV Program. If the parolee is not eligible, the reasons for ineligibility shall be noted. All documentation shall be forwarded to the Area Manager for review; however, if the parolee does not want to participate in the TRV Program, form CFJ-231 and form CFJ-129 need not be forwarded.

- J. The Area Manager shall review each case referred to determine the appropriate response to the violation. If community sanctions are not an appropriate violation response, the parolee shall be removed from community supervision. A parolee who is to be removed from community supervision who is eligible for participation in the TRV Program shall be reviewed for placement in a TRV center. The Area Manager shall make the final determination as to whether a parolee shall be approved to participate in the TRV Program. This shall include considering the parolee's overall adjustment and attitude toward corrective measures.

ELIGIBILITY AND REFERRAL - PRISONERS

- K. Prisoners for whom any of the following apply are not eligible for participation in the TRV Program:
 - 1. Have a felony conviction for a crime which occurred during the prisoner's current CRP participation, pending felony charge, or felony or immigration detainer.
 - 2. Have been found guilty of a non-bondable major misconduct, excluding Threatening Behavior, Fighting, and Possession of Dangerous Contraband.
 - 3. Screen as a very high assault risk pursuant to PD 05.01.135 "Statistical Risk Screening".
- L. Only eligible prisoners who agree in writing on the TRV Center - Program Description form (CFJ-147) to fully participate in the TRV Program and to follow in all facility rules shall be considered for acceptance into the Program. For prisoners in a TRV Program at a corrections center, this shall include agreeing to not leave the corrections center while participating in the Program, except to obtain medical services, attend religious services, attend the funeral of an immediate family member, or appear at necessary court appearances, as approved by the center Manager/Supervisor. For prisoners in a TRV Program at a TRV center, this shall include agreeing to waive the privileges identified in Paragraph H, no. 3.
- M. Prisoners being referred to the Area Manager for reclassification to a CFA institution pursuant to PD 06.03.100 "Community Residential Programs: Guidelines for Security Reclassification of Prisoners" shall be screened for eligibility for the TRV Program using the TRV Eligibility Screening form (CFJ-231). If eligible, staff also shall complete the Offender Health Questionnaire (CFJ-129). Unless the prisoner does not want to participate in the Program, the completed documents shall be forwarded to the Area Manager.
- N. The Area Manager shall make the final determination as to whether a prisoner will be approved to participate in the TRV Program. This shall include considering the prisoner's overall community adjustment and attitude toward corrective measures. The Area Manager shall document on the Security Reclassification Notice (CSJ-423) whether the prisoner is approved. If denied, the reason for denial shall be noted. If approved, the TRV center or corrections center at which the prisoner will be placed is to be noted. Approved prisoners who have a physical or mental condition inconsistent with the rigorous demands of the Program offered at a TRV center, as determined from the Offender Health Questionnaire (CFJ-129), shall be placed in a Program offered at a corrections center.

TRANSFER INTO THE TRV PROGRAM

- O. Offenders approved by the Area Manager for placement in the TRV Program shall be referred to the appropriate TRV Manager/Supervisor. The TRV Manager/Supervisor shall maintain a list of all offenders approved for placement in the TRV Program and schedule necessary transfers within five

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business days after the date of the referral.

- P. Offenders approved by the Area Manager for participation in the TRV Program who are awaiting transfer shall be housed in a corrections center or held in jail pending transfer, as approved by the Area Manager. Offenders in a corrections center pending transfer shall not be allowed to leave the center except to obtain medical services, attend religious services, attend the funeral of an immediate family member, or appear at necessary court appearances, as approved by the center Manager/Supervisor.
- Q. Transportation of offenders to the TRV Program shall be the primary responsibility of the receiving TRV center or corrections center. However, when logistical problems occur, the sending location may be required to assist in transporting the offender. For prisoners, the Counselor file shall transfer as set forth in PD 01.04.130 "Prisoner Commitment Files". For parolees, the Counselor file shall be requested by the TRV center from Central Office Records.

PROGRAM RULE VIOLATIONS

- R. A prisoner who violates TRV Program rules may be charged with misconduct pursuant to PD 03.03.105 "Prisoner Discipline". A parolee who violates TRV Program rules also may be charged with misconduct, which shall be processed in the same manner as a minor misconduct violation for prisoners as set forth in PD 03.03.105 and Administrative Rule 791.3310. However, the misconduct process shall not be utilized if the parolee's behavior violates a condition of parole and is deemed sufficiently serious to issue parole violation charges. A parolee found guilty of a misconduct violation may appeal the finding to the appropriate TRV Program Manager/Supervisor.
- S. If the behavior which resulted in the misconduct charge is deemed serious enough to require removal of the parolee from the Program, the initial parole violation charges shall be reinstated. If the offender was found guilty of misconduct for the behavior, the behavior shall not be used as the basis for new parole violation charges.
- T. The Regional Administrator or designee shall be responsible for authorizing the reclassification of prisoners from the TRV Program to a CFA institution. S/he also shall be responsible for authorizing parole revocation proceedings for parolees. The Regional Administrator or designee shall notify the TRV Program Manager/Supervisor at the sending location and the appropriate Area Manager of such decisions. Transfers of offenders from the TRV Program to a CFA institution shall be coordinated with FOA staff in Central Office.

REMOVAL FROM PROGRAM

- U. An offender in the TRV Program shall be returned to a CFA institution if any of the following occur:
 - 1. The offender fails to meet eligibility criteria for participation in the TRV Program.
 - 2. The offender refuses or fails to fully and actively participate in the TRV Program.
 - 3. The offender is found guilty of misconduct for substance abuse which occurred while in the TRV Program.
 - 4. The offender fails to follow Program rules and such failure indicates s/he cannot be managed in that level of custody.
- V. A termination report shall be completed for an offender who does not successfully complete the TRV Program. The report shall detail the offender's program involvement and the specific circumstances which lead to termination from the Program.

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PROGRAM COMPLETION - PAROLEES

- W. Upon successful completion of the TRV Program, all suspended parole violation charges shall be dismissed. The parolee shall be returned to active parole in the community and placed under maximum supervision.
- X. TRV center staff shall notify the referring parole office of the date of release from the TRV Program. Either private or public transportation may be utilized. If a parolee cannot arrange for private transportation, s/he shall be provided a one-way bus ticket to his/her home community. Funds also may be loaned to a parolee. Loan requests and approvals shall be processed consistent with the requirements set forth in PD 06.02.120 "Parole Loans".

PROGRAM COMPLETION - PRISONERS

- Y. Unless the prisoner will remain in the same corrections center after completion of the TRV Program, the TRV Program Manager/Supervisor or designee shall coordinate a transfer date with the receiving Manager/Supervisor or designee and issue a transfer order. Private transportation shall be used only when it is in the best interests of the Department and approved by both the TRV Program Manager/Supervisor and the receiving Manager/Supervisor, or designees. If a prisoner is allowed to use public transportation, s/he shall be provided a one-way bus ticket to his/her home community.
- Z. Counselor files shall be transferred as set forth in PD 01.04.130 "Commitment Files".

OPERATING PROCEDURES

- AA. The FOA Deputy Director shall ensure that within 60 days of its effective date, procedures necessary to implement this policy directive are developed.

AUDIT ELEMENTS

- BB. A Primary Audit Elements List has been developed and will be provided to Regional Administrators to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

BM:OPH:01/12/01

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ATTACHMENT A

MCL

OFFENSE

750.10a	Sexually delinquent person
750.145a	Accosting, enticing soliciting child for immoral purposes
750.145b	Accosting, enticing and soliciting child for immoral purposes - second offense
750.145c	Child sexually abusive activity or material
750.158	Crime against nature or sodomy
750.333	Incest; sexually delinquent persons; penalty
750.335a	Indecent exposure*
750.338	Gross indecency; between male persons*
750.338a	Gross indecency; female persons*
750.338b	Gross indecency; between male and female persons*
750.520b	First degree criminal sexual conduct
750.520c	Second degree criminal sexual conduct
750.520d	Third degree criminal sexual conduct
750.520e	Fourth degree criminal sexual conduct
750.520g	Assault w/intent to commit criminal sexual conduct

* Only if it can be determined that the circumstances of the offense involved predatory, compulsive or assaultive sexual behavior.